

## COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

Attorney Docket No. 2-5169-029

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED EXCAVATION APPARATUS, the specification of which(check)  is attached hereto.

was filed on August 27, 2002 as Application Serial No. 10/227,838  
and was amended on \_\_\_\_\_ (if applicable).

was filed as PCT international application Number \_\_\_\_\_ on \_\_\_\_\_  
and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application (s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application (s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is now claimed:

Prior Foreign Application(s)/PCT Applications (if PCT, indicate PCT)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

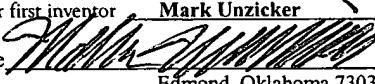
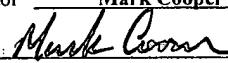
Prior U.S./PCT Applications (if PCT, indicate PCT)

<u>60/316,590</u>	<u>USA</u>	<u>08/31/2001</u>	<u>pending</u>
(Application Serial No.)	Country	(Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: H. Robert Henderson, Reg. No. 18,486; Michael O. Sturm, Reg. No. 26,078; John E. Cepican, Reg. No. 26,851; Richard L. Fix, Reg. No. 28,297; and William H. Wright, Reg. No. 26,424..

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mark UnzickerInventor's signature Date 10/28/02Residence Edmond, Oklahoma 73034Citizenship U.S.A.Post Office Address 4601 Caliburn ParkwayEdmond, Oklahoma 73034Full name of second inventor Mark CooperInventor's signature Date 10/28/02Residence Pella, Iowa 50219Citizenship U.S.A.Post Office Address 205 ElmPella, Iowa 50219

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